IN SENATE OF THE UNITED STATES.

CASE OF MRS. ANN CHASE.

April 11, 1848.

Submitted, and ordered to be printed.

Mr. Hannegan made the following

REPORT:

[To accompany joint resolution S. No. 18.]

The Committee on Foreign Relations, to whom was referred the case of Mrs. Ann Chase, report:

That by the 26th article of the treaty with Mexico, proclaimed by the President of the United States, 5th April, 1832, provision is made that, in case of the breaking out of a war between the two republics, "there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and territories of each other respectively, to arrange their business, dispose of their effects, or transport them wherever they may please, giving them a safe conduct, &c., &c."

This case is based upon a clear violation of this article.

The memorialist and her husband, Franklin Chase, were merchants, residing at Tampico. Mr. Chase was United States consul, residing there. On the 7th June, 1846, he was summarily expelled by a decree of the Mexican government. No time was allowed him to "arrange his business, dispose of his effects, or transport them" out of the country. He took refuge on board the United States sloop-of-war St. Mary's.

See his report, 7th June, 1846, to the Secretary of State, a certified copy of which is exhibited with the memorial. He transmitted also to the State Department a duly certified inventory of his effects, of which the exhibit, with the memorial, is a duplicate. That inventory, with Mr. Chase's report and claim, were filed there as a claim against Mexico. It was undoubtedly a good claim from the moment of his expulsion.

The act of expulsion, involving an abandonment of his effects, constituted a valid claim for the amount of the inventory, and all fair and reasonable damages.

The saving of the greater portion of the goods, while so aban-

doned, was the incidental consequence of the courageous and heroical conduct of the memorialist, who, in defiance of the authorities, remained in Tampico, communicated with the fleet, and by her adroitness, stratagem, and constancy, in fact, put the town in the hands of the American fleet; whereby Mr. Chase re-entered and became possessor of the remaining effects.

They were, by the very act of capture, materially changed in value. They were, in fact, no longer the same things, being greatly depreciated, so that they would not then have commanded one half the price they would have brought at the time of the expulsion, had the rights guarantied by the treaty been respected.

This difference in value, together with the whole value of such parts of the stock and effects as had been totally lost, constitutes this claim. No one will dispute that it is a good claim against Mexico. Nor, that it is competent for this government to pay the indemnity, and claim it from Mexico afterwards.

The peculiar circumstances of this case call for the peculiar relief which is asked for.

The conduct of the petitioner merits the approval of Congress. The saving of the effusion of blood, and of the expenditure of public treasure, as well as the capture of the enemy's property, are public benefits, derived from the conduct of the petitioner.

See the letters of Captain Tatnall, U. S. N.; Lieutenant Barney, U. S. N.; Colonel Gates, U. S. A., (governor of Tampico,) and Major Morris, U. S. A.

The inventory, duly certified by the Dutch consul, with seal of office, who also certifies that the witnesses and appraisers are merchants of character and standing, and the affidavit of Mr. McClernand, establishes the amount of property.

In the mode provided by the joint resolution a full and deliberate examination will be attained.